

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

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|-----------------------|---|------------------------|
| JAMES WARE, |) | |
| |) | |
| Petitioner, |) | |
| |) | |
| vs. |) | Case No. CIV-07-1328-M |
| |) | |
| DAVID PARKER, Warden, |) | |
| |) | |
| Respondent. |) | |


ORDER

On November 29, 2007, United States Magistrate Judge Gary M. Purcell issued a Report and Recommendation in this action. The Magistrate Judge recommended that petitioner's motion for leave to proceed *in forma pauperis* be denied and that this action be dismissed without prejudice unless petitioner pays the full filing fee by December 19, 2007. On December 17, 2007, petitioner paid the full filing fee.

Accordingly, upon de novo review, the Court:

- (1) ADOPTS the Report and Recommendation issued by the Magistrate Judge on November 29, 2007;
- (2) DENIES petitioner's motion for leave to proceed *in forma pauperis* [docket no. 2]; and
- (3) RECOMMITS this matter to the Magistrate Judge for further proceedings.

IT IS SO ORDERED this 28th day of December, 2007.


VICKI MILES-LAGRANGE
UNITED STATES DISTRICT JUDGE